



# Edwards Hall Primary School

## Policy and Procedure for Responding to Non- curricular complaints

<b>Issued by:</b>	Edwards Hall Primary School
<b>Responsibility of:</b>	Headteacher
<b>Date Issued:</b>	November 2017
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<b>Review Date:</b>	November 2020

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There are other specific complaints procedures available for certain specialist areas (as listed below). If the complaint relates to any of the following, the appropriate procedure should be followed:

complaints about      collective worship  
                                 religious education  
                                 pupil admissions  
                                 pupil exclusion  
                                 special educational needs  
                                 child protection  
                                 employee grievances and disciplinary proceedings.

## **General Principles**

This procedure contains advice for resolving complaints; flowcharts to indicate time limits; and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in the flow charts and detailed procedures which follow, but these may in exceptional circumstances be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than 3 months after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction. If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, an example of which is found in Annex C. This form will also invite a view about what actions might be felt to resolve the problem.

## **Possible resolutions**

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

## **Later Stages**

Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by a Governors' Complaints Panel.

## **Unresolved Complaints**

Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

## School Complaints Stages in Detail

This school will monitor and record parents/carers compliments, concerns and complaints. This will endorse and ensure the continuation of our good practice .

It is acknowledged that, where concerns are raised, they are more often than not raised with a more senior person, for example, a Key Stage Co-ordinator or Deputy Head, or the Headteacher in a small school, rather than a more junior teacher. The first stage, therefore, could if appropriate be dealt with informally by one of a number of possible people.

### **Stage 1 (Informal)**

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve, for example, their line manager.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the parent/carer should discuss this with him/her at this stage first.

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure, and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage)

The concern will be noted (including the outcome) and copied to the Headteacher (or appropriate person in charge of records in larger establishments). Where the subject of the complaint is the Headteacher, he/she will copy the record to the Chair of Governors.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage Two).

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage one to discuss the matter, the parent/carer can then directly contact the Chair of Governors about Stage 2.

### **Stage 2 (Formal) Dealt with by Headteacher**

If the complaint concerns the Headteacher, the Chair of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage.

This stage can be initiated if/ when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within **3 school days**, together with the formal complaint form (Annex C). The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/ carers are also asked what actions might resolve the problem.

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After the formal complaint form is returned, it will be acknowledged within 3 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

The head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information). **This response should be provided within 10 school days of acknowledging the complaint.**

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors.

In the case of the Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the Chair should be so advised, and Stage 3 initiated.

### **Stage 3 (Formal) Dealt with by Governors' Panel**

On receipt of the information from the Headteacher, the Chair of Governors will verify that the parent/carer has properly exhausted all stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the Governors' Complaints Panel Meeting.

The Clerk may be the Clerk to the Governing Body, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair. The Chair of Governors or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Headteacher within **5 school days**.

This letter will inform the parent/carer that the complaint will be heard by the Complaints Panel within **15 school days**. In exceptional circumstances, the parent/carer will be notified where this timed period will need to be extended and the reasons for this.

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The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the meeting. All relevant documentation from the Headteacher and the parent/carer will be distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, parents /carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing within **5 school days** of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

If the parent/carer is dissatisfied with the response they have been given, and would like to take the complaint further, they should be referred to stage four of this procedure.

Equally, if the Headteacher perceives due process has not been followed, s/he may wish to refer the matter to Stage 4 for adjudication.

### **Stage 4 (Formal) The Role of Southend Children's Services.**

**The remit of Southend Children's Services is only to review due process.**

Parents/carers are entitled to complain in writing to Southend Children's Services if they believe that their complaint was not handled fairly and in accordance with the school's complaints procedures. This involvement of Southend Children's Services will only commence once the parent/carer has exhausted all of the school-based stages (up to, and including, a Governors' Complaints Panel, Stage 3 of the Complaints Procedures).

Complaints must be submitted in writing to:- Education Complaints Department, Southend Children's Services, Civic Centre, Victoria Avenue, Southend, Essex, SS2 6ER

The written complaint must include the following information:-

- details of the original complaint
- the decision and recommendations/ action (if any) of the Governors' Complaints Panel
- reason for believing the original complaint was not dealt with fairly and in accordance with the school's complaints procedures
- the expected desired outcome.

**Southend Children's Services will acknowledge the parent/carer's complaint within 5 working days.**

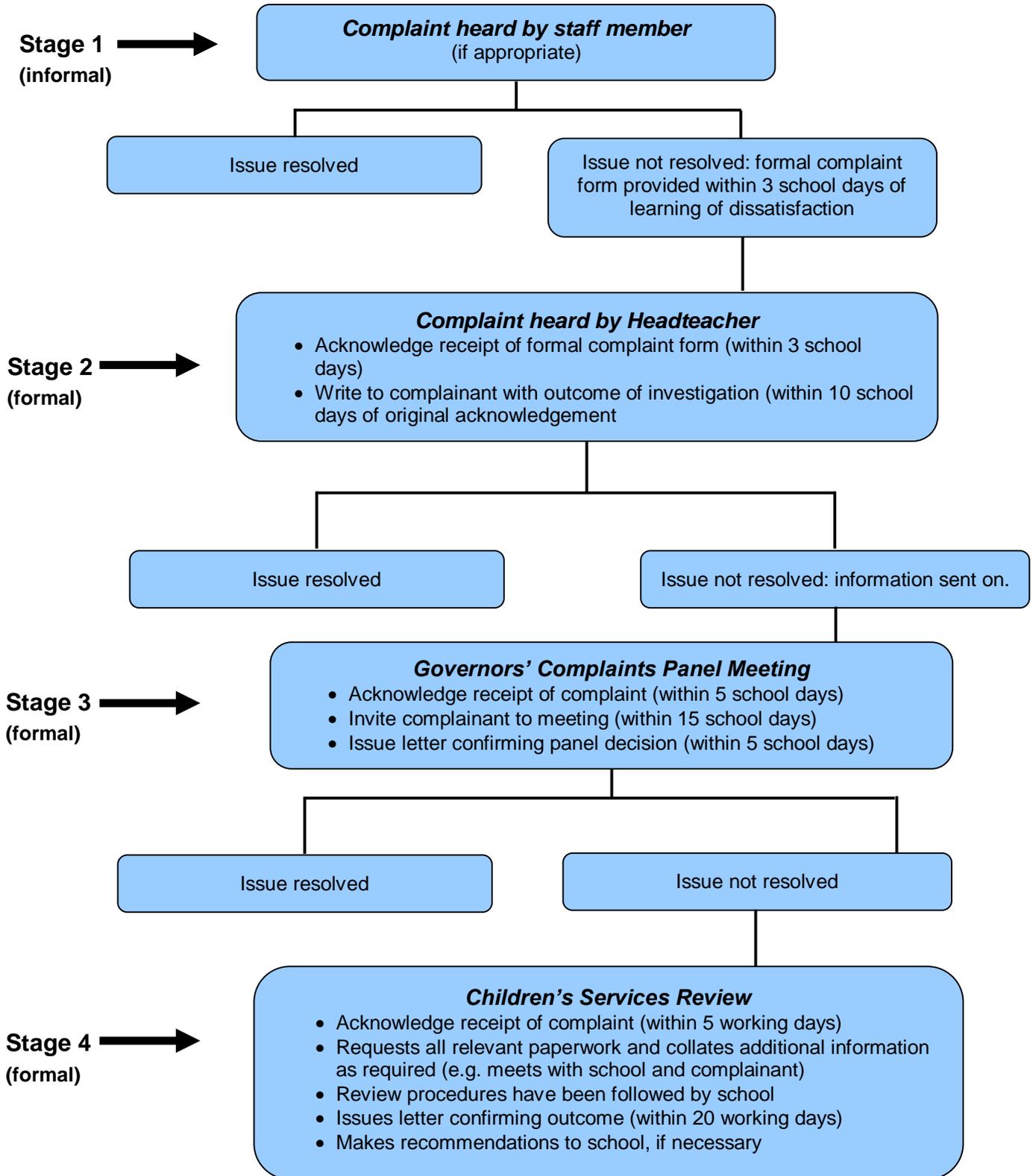
Southend Children's Services will request and examine all relevant paperwork, (including the school's complaint policy) from both parties and will collate additional information if required. This may necessitate a meeting with the Headteacher, Chair of Governors, or the parent/carer. This review will cover records and correspondence produced at each school stage.

**Southend Children's Services will communicate their findings within 20 working days of receipt of the complaint in writing to all parties** and if appropriate, will make recommendations for future action by the school. Copies of this letter will be sent to the Chair of Governors.

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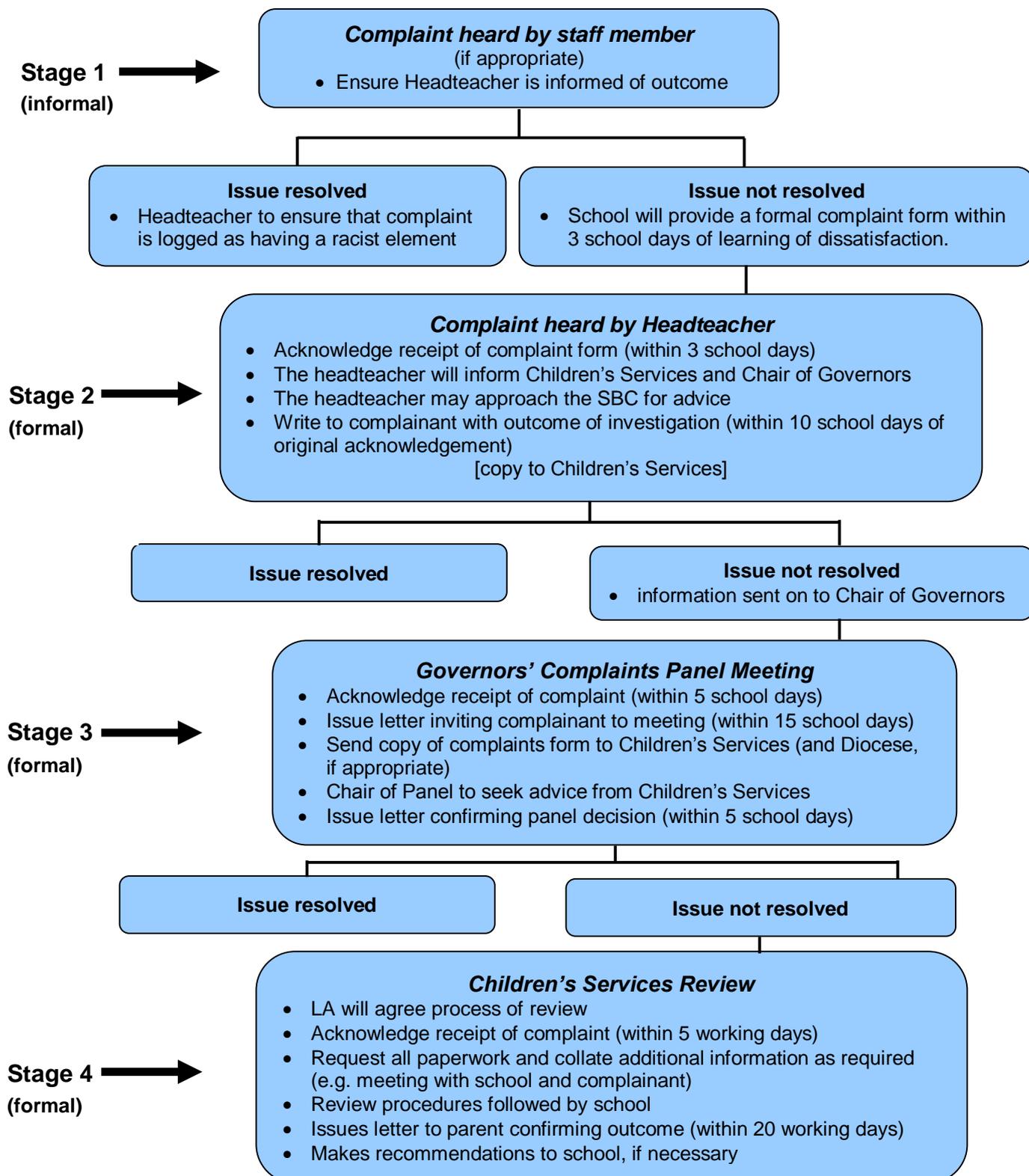
Any recommendations made by Southend Children's Services as a result of its review can only be advisory, and as such, is not binding on any of the parties. However it is anticipated that Governing Bodies would consider any such recommendations as a genuine means of securing fair and reasonable practice in the best interest of the school.

## Appendix A1 – Model School Complaints Procedure/Policy Flowchart



## Appendix A2 – Model School Complaints Procedure/Policy Flowchart – Race

### Summary of Dealing with Complaints



## **Appendix B – Model Procedure for The Conduct Of A Governors' Panel Hearing To Consider A Complaint**

It is important that the members of the Governor Panel are impartial and independent, and seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that parents/carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

### **The Hearing**

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

#### **Option One**

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance.

This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

#### **Option Two**

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

#### **Option Three**

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

#### **Option Four**

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

## **Model Agenda**

1. Complainant explains reasons for making the complaint, and calls witnesses if desired.
2. Headteacher and Panel members may ask questions
3. Headteacher invited to explain the school's actions and call witnesses if desired
4. Complainant and Panel members may ask questions
5. Complainant is invited to sum up the complaint
6. Headteacher is invited to sum up the school's actions and response to the complaint
7. The parties leave together, and the Panel considers its decision

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two [The Headteacher usually, but the Chair of Governors if the complaint related to the Headteacher] S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the parent/carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the parent/carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's Remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

## The Remit of the Complaints Appeal Panel

### The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on appropriate action to be taken to resolve the complaint  
*See possible resolutions below*
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

### The Panel should consider: -

- The evidence (written and oral) from the school representatives and the parent/carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the parent's/carer's complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

### Possible resolutions (re-printed from adopted Procedure)

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

- Any recommendations to review/ revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Governing Body.
- The appropriate action to be taken by the school, if necessary.
- Recommendations on changes to school policies and procedures in the light of this experience, if necessary.

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The Panel's decision, with reasons, should be confirmed in writing to the parent/carer, Headteacher and Chair of Governors within 5 school days.

## Appendix C

### Complaint Form (to be supplied with a copy of the adopted procedure)

Please complete and return to the Headteacher who will acknowledge receipt. The Procedure, at Stage 2, explains what action will be taken after receipt.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint. (Whom did you speak to, when, and what was the response)?

The form continues overleaf.....

What actions do you feel might resolve the problem?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom?

Complaint referred to:

Date:

## Model letters

### 1. Complaint against a member of the school's staff

[Initial acknowledgement of a concern:]

Dear

#### **Concern about member of staff**

Thank you for letting me know of your concern about [...]. I am sorry to hear of this but I am looking into the matter and will contact you again within the next ten working days to let you know how it is progressing.

Yours sincerely

[Name]

Headteacher / Chair of Governors/ Delegated Governor

[Following action taken:]

Dear

#### **Complaint against a member of staff**

Further to your letter about [...], I am writing to let you know that I have dealt with the matter in accordance with the appropriate procedures [and following the advice of the local authority / our legal adviser].

Under employment law, complaints about members of staff [the headteacher] must be handled in confidence by the headteacher [chair of governors] and you are only entitled to know that the matter has been investigated under the confidential procedures; we are not permitted to disclose the outcome. There is no appeal process and your only additional recourse would be to seek legal advice.

[However, in this particular case, I am able to confirm that it is my considered view that there are no grounds for your complaint against X, who has my unreserved support].

Yours sincerely

[Name]

Headteacher / Chair of Governors/ Delegated Governor

## **2. Closure of a complaint**

Dear

### **Complaint about [nature of complaint]**

Further to your complaint, and the action we have taken to address it, I am writing to inform you of our decision to close communications with you on this matter.

The school and governing body regret having to take this formal step. We are confident that we have done everything possible to try to resolve the problem but it is clear that we cannot do this to your satisfaction.

The continuing attention that you are asking us to give to this matter is drawing on time and energy that we feel we need to direct towards the interests of all pupils and the school as a whole. For this reason we will not be pursuing the matter any further.

[In the case of church schools: We have informed the Diocese of this action.]

Yours sincerely

[Name]  
Chair of Governors

## **3. Informing the complainant of a ban, or warning of a ban, from the school building or premises**

Dear

(Warning of an impending ban:)

I regret having to write to you in such a formal way but the governing body has decided that we may have to ask you to not to enter the school building [school premises] in future if your current intimidating behaviour continues.

(Notification of an actual ban:)

I regret that I must inform you that the governing body has decided that we must ask you not to enter the school building [school premises] until further notice as your behaviour is intimidating to members of the administrative and teaching staff, as well as to the pupils. The Local Government Act regarding behaviour on school premises entitles us to take this action. Also, under Section 547 of the Education Act 1996, if we take action against you, it could result in a fine of up to £500.

(In either case:)

We accept that you have concerns about [detail] and we are willing to discuss it with you in a reasonable and open manner. We cannot, however, allow you to continue to disrupt the smooth running of the school. If you would like to telephone the school office to arrange an

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appointment, we will be pleased to meet with you. I will also consider any representations in writing that you may wish to make.

(If the complainant is persistently flouting a ban:)

We wrote to you previously to ask you not to enter the school building [premises]. You have not complied with this request and so we have no choice but to seek legal action to restrain you from continuing to disrupt the school by your enforced entry. We can involve the police and the County Council's legal advisers [our own solicitors], and this could result in a criminal conviction and a fine of up to £500.

Yours sincerely

[Name]

Chair of Governors

## Model complaints form

Please complete and return to.....(Complaints Coordinator / Head of Year / Pastoral Manager/Headteacher/Chair of Governors)

Acknowledge receipt and explain what action will be taken

Name:

Pupil's name (if relevant):

Your relationship to the pupil:

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try to resolve your complaint? Who have you spoken to and what was the response?  
continued/

What action do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details:

Signature:

Date:

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**Official use**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Final Action agreed/taken:

Signature:

Complaints Co-ordinator / Head of Year / Pastoral Manager / Headteacher / Chair of Governors